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JANVIER, JEAN D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/978,170

Applicant(s)

ROSENBERG ET AL.

Examiner

JEAN JANVIER

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13-18,20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,13-18,20 and 22-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SD/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date: ____

DETAILED ACTION

Specification

Status of the claims

1. Claims 1-2, 5-11, 13-18, 20, **22-28 and newly added claims 29-30** are currently pending in the Instant Application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 20 and 29 (including their dependent claims) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 20 and 29 (including their dependent claims), although the specification supports that **a user can choose to "pause" programming that he is currently viewing** and that **the pause function begins to display an ad for a predetermined period of**

time after the pause occurs (see below), however, it appears that the specification does not immediately support **“continuing to display the user’s selected program content on the video replay system upon entering a pause mode”**. Indeed, according to the specification, once the pause mode occurs, the pause function begins to display a pause ad.

{ [0050] When a screen with an ad opportunity is to be displayed, application 133 requests 320 an ad from ad placement engine 132. In the described embodiment, an application might request an ad in several situations. For example, **the user can choose to "pause" programming that he is currently viewing**. Because the programming is "spooled" in video capture engine 131 (or was previously stored in video capture engine 131 and is now being replayed), the video capture engine 131 saves the incoming programming signal during the period that the display is "paused." In the described embodiment, **the pause function begins to display an ad for a predetermined period of time after the pause occurs**. For example, the ad may be displayed 10 or 20 seconds after the display has been paused. In the described embodiment, the ad displayed in pause mode is generally a full-page ad (see FIG. 1(b)), although it could also be another appropriate type of ad. **Thus, the user no longer sees the paused content on display 106 and begins seeing the ad**. In the described embodiment, the user can indicate that he does not want to see pause ads--either as a global indication that affects all pause ads, or on a case by case basis, where the user cancels individual pause ads. Certain applications also allow the user to set the amount of time that passes before pause ads are displayed in pause mode.

[0119] FIG. 10 is a flow chart showing a method of displaying a pause ad (or other video). The video replay unit enters pause mode 1002 by, for example, the user pressing a pause

key on the screen, the remote control, or the unit itself. In the described embodiment, the application displays 1004 a banner indicating that the unit has entered pause mode and starts a timer. **If the timer indicates that a configurable time delay is up 1008, the application obtains an ad from an ad source**, such as the ad placement engine described above. Other embodiments of the present invention can obtain ads from other appropriate sources, such as the Internet or an external storage location. As already mentioned, the ad can be a commercial advertisement or it can be another type of still or moving video, such as a user-supplied picture or video. The ad is displayed on the paused video screen and the ad placement engine is notified that the ad was placed (if appropriate) } }.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 3. (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-2, 5-11, 13-18, 20, 22-25, 26-28 **and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,740,549A (Reilly) in view of Official Notice.

As per claims 1-2, 5-11, 13-18, 20 and 22-24, 26-27 and 29, Reilly discloses an information and advertising distribution system. A remote server stores and updates a database of information items and advertisements. The information items and advertisements are each

categorized so that each has an associated information category. A workstation or user computer (video replay system), remotely located from the data server or server, includes a display device, a communication interface for receiving at least a subset of the information items and advertisements from the data server database and local memory for storing the information items and advertisements received from the data server. An information administrator in each workstation establishes communication with the data server from time to time so as to update the information items and advertisements stored in local memory with at least a subset of the information items and advertisements stored by the data server. An information display controller (pause module) in each workstation displays on the workstation's display device at least a subset of the information items and advertisements stored in local memory when the workstation (video replay system) meets predefined **idleness (pause) criteria or conditions. At least, a subset of the workstations includes a profiler for storing subscriber profile data.** The subscriber profile data represents subscriber information **viewing preferences**, indicating information categories for which the subscriber does and does not want to view information items. **The information display controller includes a filter for excluding from the information items displayed on the display device those information items inconsistent with the subscriber profile data (on display or video display, displaying user selected program content or customized program content-See abstract).**

The present system relates generally to computer based information distribution systems and particularly to a system for distributing to a set of subscribers' computers information matching each subscriber's interests (selected program content) as well as advertising and for

distributing the information and **advertising** to each subscriber's computer during **time periods** in which the subscriber's computer is otherwise inactive or during a pause (col. 1: 4-10).

The system disseminates information and advertisements to subscribers' computers, wherein the information and advertisements are automatically displayed when the subscriber's computer is on, but meets predefined idleness criteria. For example, the predefined idleness criteria (pause conditions) could be the failure to receive any input for a **period** of at least five minutes, greater than zero seconds (entering a pause mode in response to a user action, which includes the action or inaction of not issuing any input to the computer to thereby trigger the display of selected program content and advertisements during an idle time or pause mode-Col. 2: 28-34). The present system is also adapted to provide each subscriber or user with **the ability to set up and** change a user profile indicating categories and subcategories of topics, which are of interest and not of interest to the subscriber and to **select** the news stories **displayed** on the subscriber's computer accordingly (col. 2: 48-53).

Screen Saver and Viewer Procedures 200 of fig. 2 are a set of procedures for controlling the **display** of news stories and **advertisements on the users' screens**. These procedures include a main screen saver procedure 201, category managers 202, an animation engine 204, a profiler 206, a data viewer 208 and an **advertisement display** statistics generator 210 (col. 6: 62-67). Referring once again to FIG. 2, **the animation engine 204 interprets a currently selected display script and controls the display of a selected set of news stories and an advertisement in accordance with the instructions in the currently selected display script** (col. 7: 40-44). Screen saver information 219 of fig. 4 indicating the last **displayed** information category

and the last **displayed advertisement** and news items in each information category is stored in a portion of the user profile 194, which is not transmitted to the information server; and a screen saver exit mode indicator 220 indicating what actions cause the screen saver procedure to terminate and what actions cause the data viewer 208 to be executed (this is the normal operation of any screen saver, which is usually set up by the end-user who selects the time delay or time period (in minutes) of non-activity that triggers the display of at least one screen saver in text and/or image format/mode-Col. 8: 10-18).

In a preferred embodiment, the screen saver procedures for **displaying** news items (paused content) and **advertisements** are invoked using the same types of criteria as are used by other types of screen saver procedures (in which the end-user selects the screen saver he wants to be displayed during the non-activity period (pause) and sets the time delay or time period (in minutes) of non-activity that will trigger the display of at least one screen saver in text and/or image format/mode). **Generally, whenever the system detects a lack of user inputs (user's action) or non-activity (pause) via either keyboard or pointer device (e.g., a mouse or trackball) for a user configurable or otherwise specified length of time (e.g., 5 minutes), the screen saver procedures of the present system begin the display of news items and advertisements from the local information database. In the preferred embodiment, the screen saver procedures display news items and advertisements for a sequence of information categories in a sequence of 30-second time slots (news items are displayed for 30 thirty seconds and, after the delay, the advertisements are displayed for 30 seconds; in other words, upon entering a pause or screensaver mode, displaying the user-selected or customized programming content or news or information items, for 30 seconds or during a**

time delay greater than zero seconds, and after the time delay has elapsed or the 30 seconds have expired, displaying one or more advertisements for 30 seconds-Col. 11: 40 to col. 13:

25).

See Col. 1: 22-34; col. 5: 8-34; col. 6: 16-61; col. 8: 45-67; col. 10: 56 to col. 11: 9 and claims 3, 4, 8 and 9 of the reference.

In general, execution of the Screen Saver procedure 201 of fig. 2 during the pause mode, like other screen savers, is terminated and the subscriber's computer display is returned to whatever content (selected program content) was being displayed before the Screen Saver or pause mode was executed upon detection of certain types of user input (including the setting of user's preference). In the preferred embodiment, the user can use the profiler to select one of at least two exit modes: in a first mode, the Screen Saver procedure is terminated by hitting any **key on the subscriber computer's user interface keyboard or by moving the user interface's mouse or trackball; in a second mode, the Screen Saver procedure is terminated by hitting any key on the subscriber computer's user interface keyboard, but movement of the mouse or trackball does not cause the Screen Saver procedure to terminate. Rather, in the second screen saver exit mode, the subscriber can use the mouse or trackball to point to any of the news items being displayed and upon clicking one of the mouse or trackball's buttons, the data viewer 208 is executed with the news item selected by the subscriber being displayed.** In short, the entering of the pause mode stops or pauses the presentation of any currently displayed or featured content or previously selected program content to thereby display pause content scheduled to be presented during the pause mode

(entering the pause mode and pausing selected program content.....) (col. 12: 57 to col. 13: 8).

Reilly supports the step of entering a pause mode due to the user's or subscriber's action (i.e. inaction or a period of non-activity or idle period or lack of input from the user for a period of time, which triggers the pause mode), **while the user selected program content is being displayed on the display of the video replay system or user's workstation(i.e. work being done or in progress, such as typing a letter using MSWord or creating or reviewing a PowerPoint presentation, is displayed on the user's screen).** This is a conventional behavior of screensaver based systems. Indeed, execution of the Screen Saver procedure 201, like other or conventional screen savers, is terminated upon receipt of an input from the user or subscriber and the subscriber's computer's or workstation's display is returned to whatever (user's selected content) was being displayed before the Screen Saver was executed upon detection of certain types of user input. In other words, the content that was being displayed before the screen saver mode or pause mode content was interrupted by a use's input action or input was selected by the user or subscriber (col. 11: 40-52; col. 12: 57-61).

Finally, with respect to at least claims 1 and 20, Reilly teaches the steps of:

Obtaining an ad from a server (See abstract; Col. 16: 46-60);

On a display of the video replay system, displaying a selected programming content or a categories of news items, comprising images and photos, explicitly selected by a user via data viewer 208 of fig. 10, wherein the news items (selected programming content) are stored on a medium of the video replay system or locally maintained in a local database, coupled to the

user's computer, subsequent to be transmitted from the server (col. 13: 29-31; col. 5: 8-34; col. 7: 29-34; col. 9: 1-10; col. 13: 29-48);

While the selected programming content (selected news items) is being displayed on the display of the video replay system or user's computer, entering a pause (screensaver) mode when the user's computer (video replay system) is idle for a preset period of time (See abstract; col. 11: 40-63; col. 12: 57 to col. 13: 8; col. 11: 39-63);

Upon entering the pause mode (screensaver), after the user's computer has been idle for about 5 minutes, displaying information items (news items) or selected programming content for a preset period of time (30 seconds), wherein the selected programming content or news items stops or pauses after the preset period of time has expired (**Col. 11: 40 to col. 13: 25**);

After the time delay has elapsed, or after displaying the news items or selected programming content for 30 seconds upon entering the pause or screensaver mode, displaying one or more ads on the video replay system or user's computer instead of the news items or selected programming content (**upon entering a pause mode, news items are displayed for 30 thirty seconds and, after the delay, the advertisements are displayed for 30 seconds; in other words, upon entering a pause or screensaver mode, displaying the user-selected or customized programming content or news or information items, for 30 seconds or during a time delay greater than zero seconds, and after the time delay has elapsed or the 30 seconds have expired, displaying one or more advertisements for 30 seconds**-Col. 11: 40 to col. 13: 25).

As per claims 1, 20, 22-24 **and 30**, although Reilly discloses a system wherein a user or subscriber controls the display of content that is presented during a pause mode or idle mode by setting the timing or delay period required before the system enters the pause mode, however, Reilly does not expressly teach **pressing a pause key**, displayed on a screen (video replay system) to thereby trigger the pause mode.

However, Official Notice is taken that it is common practice in the art to display a button or icon (key), representing a stored content or software installed in the memory of a system or computing device, on a user's screen (desktop or video replay system) and wherein actuating, pressing, activating or clicking the button or icon (pause key) causes the stored content to be displayed on the screen or the task related to the installed software to be executed.

Furthermore, Official Notice is taken that it is well known in the art for a user or TV viewer to pause a program, such as a pre-recorded video, currently being viewed on a TV monitor (video replay system) by pressing the pause key on the remote control. For instance, a viewer watching a pre-recorded video, stored on a local storage medium, on a TV monitor (video replay system) can pause the display of the video at will by pressing the pause key on the related remote control.

In addition, Official Notice is taken that it is common practice in the art that a user or subscriber, using a Windows based system, can select the password option within the screen saver software, which requires that the user re-enter his password to gain access to the system, thereby providing an extra layer of protection when the system is left unattended and before the system enters the screen saver or pause mode based on the delay or preset time period.

Finally, as per claims 22-24, displaying the pause key on the video replay system (user's computer screen) or on a remote control is a matter of desires, which does not directly impact the utility or functionality of the system.

Therefore, it would have been obvious to an ordinary skilled artisan, implementing the Reilly's system, at the time of the invention to incorporate the above disclosure ("Official Notice") into the Reilly's system so as to place a button, icon or pause key representing an installed screen saver software or (pause mode software) and wherein pressing, clicking or activating by the user the displayed icon or pause key causes the system to enter the pause mode or screen saver mode before the preset time or delay/duration period has elapsed, while the user's selected program content (i.e. Microsoft Word, PowerPoint, Microsoft Excel) is being featured thereon, and display the related content or pause content (news items and one or more ads) thereon, thereby enabling the user or subscriber to cause the system to enter in real-time the pause mode or screen saver mode, even before the predetermined time (idle time period) has expired, and display pause content thereon by pressing or clicking the pause key or icon, representing the pause mode (screen saver mode), placed on the user's computer display or video replay, while the user's selected program content (i.e. Microsoft Word, PowerPoint, Microsoft Excel) is being featured thereon, and while protecting (sensitive or confidential) information that is currently displayed on the user's computer display or video replay or stored thereon since once the pause mode is being activated and the pause content is displayed, the user needs to re-enter his password to gain access to the computer or system, subsequent to exiting the pause mode, and to view or review the user's selected content or work previously displayed or left open on

the display screen prior to activating the pause key to enter the pause mode and output thereon paused content.

As per claims 25 and 28, although Reilly teaches displaying pause content on a computer screen or video replay system, however, Reilly does not expressly teach displaying the content on the screen of a handheld device or cellular device (handheld video player).

However, Official Notice is taken that it is common practice in the art to play or display information (text, audio and video), including screen saver content, on the screen of handheld, mobile, portable or wireless (cellular) devices including laptop and notebook computers.

Therefore, it would have been obvious to an ordinary skilled artisan, implementing the Reilly's system, at the time of the invention to incorporate the above disclosure ("Official Notice") into the Reilly's system so as to use a handheld, mobile, wireless or portable device (video player), including a laptop or notebook computer, to display the selected content and pause content thereon when a trigger event occurs, thereby allowing a mobile user or subscriber (road warrior) to participate in the pause content display system that is configured to display news, sports and advertisements when a pause mode is being triggered.

As per claims 26-27, although Reilly talks about displaying user's selected content and advertisements on television set (col. 1: 13 to col. 2: 16), however, Reilly does not expressly teach that the user's selected content comprises a television program that is received at the video

replay system, prior to displaying the user selected content, and stored thereto and the video replay system includes a television set.

However, Official Notice is taken that it is common practice in the art for a user or subscriber to select a program content for watching or viewing on a television set, while advertisements are displayed thereon (See background of the Reilly's Patent). Further, it is customary for a user to receive content, such as advertising data, that is stored in the memory of a set top box coupled to a television set, wherein the stored advertisement is scheduled to be displayed on the television screen during a pause mode or break in a program content selected by the user when a code in the program content matches a code stored in the memory of the set top box (See USP 5,774,170).

Moreover, selecting by a user a television program instead of a computer program and using a television set, instead of a computer, to display the selected program are a matter of desires, which does not directly impact the utility or functionality of the system (this is a different field of use).

Therefore, it would have been obvious to an ordinary skilled artisan, implementing the Reilly's system, at the time of the invention to incorporate the above disclosure ("Official Notice") into the Reilly's system so as to use a television set, instead of or in addition to a computer system, to implement the system taught by Reilly and to let the user select for display program content including television program that is to be provided and stored ahead of time and to display paused content thereon when a trigger event or the pressing of a pause key occurs, thereby expanding the system by enabling a TV viewer or subscriber to participate in the pause

content display system that is configured to display news, sports and advertisements when a pause mode is being triggered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Reilly, USP 5,740,549.

With respect to at least claim 29, Reilly teaches the steps of:

Obtaining an ad from a server (See abstract; Col. 16: 46-60);

On a display of the video replay system, displaying a video stream or a categories of news items, comprising images and photos, explicitly selected by a user via data viewer 208 of fig. 10, wherein the news items (video stream) are stored on a medium of the video replay system or locally maintained in a local database, coupled to the user's computer, subsequent to be transmitted from the server (col. 13: 29-31; col. 5: 8-34; col. 7: 29-34; col. 9: 1-10; col. 13: 29-48);

While the video stream (selected news items) is being displayed on the display of the video replay system or user's computer, entering a pause (screensaver) mode when the user's

computer (video replay system) is idle for a preset period of time (See abstract; col. 11: 40-63; col. 12: 57 to col. 13: 8; col. 11: 39-63);

Upon entering the pause mode (screensaver), after the user's computer has been idle for about 5 minutes, displaying information items (news items) or video stream for a preset period of time (30 seconds), wherein the video stream or news items stops or pauses after the preset period of time has expired (**Col. 11: 40 to col. 13: 25**);

After the time delay has elapsed, or after displaying the news items or video stream for 30 seconds upon entering the pause or screensaver mode, displaying one or more ads on the video replay system or user's computer instead of the news items or video stream (**upon entering a pause mode, news items are displayed for 30 thirty seconds and, after the delay, the advertisements are displayed for 30 seconds; in other words, upon entering a pause or screensaver mode, displaying the user-selected or customized programming content or news or information items, for 30 seconds or during a time delay greater than zero seconds, and after the time delay has elapsed or the 30 seconds have expired, displaying one or more advertisements for 30 seconds-Col. 11: 40 to col. 13: 25**).

See Col. 1: 22-34; col. 5: 8-34; col. 6: 16-61; col. 8: 45-67; col. 10: 56 to col. 11: 9 and claims 3, 4, 8 and 9 of the reference.

Response to Applicant's Arguments

5. **First of all, regarding the 112, second Paragraph Rejection, the Examiner herein drops the said rejection.**

6. Second of all, the Applicant's arguments with respect to claims 1, 10 and 29 are based on the amendment or new claim limitation, "upon entering the pause mode, during a time delay greater than zero seconds, continuing to display the user's selected program content on the video replay system upon entering a pause mode", and those arguments are moot in view of new grounds of rejection. In other words, the Applicant's arguments are addressed above

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments, as herein presented, are not convincing and thus, the current **Office Action has been made Final.**

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5, 959, 621 to Nawaz discloses a system for displaying data items in a ticker display pane (dynamic component) on a client computer or computer workstation or target system 184 wherein a user's client computer 184 receives from at least one or more sources or service providers over the Internet (global communication network) data including data items and/or advertisements (stream data) to be displayed on a ticker pane 142 of fig. 3 on a screen desktop 104 of fig. 3 associated with the client computer 184 and wherein the data or data items are displayed in a sequence where the data items or stream of data 150, 152, 154 and 156 are being replaced or updated on the ticker display pane 142 so as to display data item 156 on the first end 170 until the last data item 150 on the second 172 and the sequence restarts until the last

data item is displayed on the ticker pane. Here, the data items are displayed on the ticker pane in a substantially continuous manner. Furthermore, the data items are being replaced or updated on a scheduled basis in an effort to have up-to-date information, downloaded directed from the content providers, displayed on the ticker pane 142 on a substantially continuous basis. In addition, stream of data 150, 152, 154 and 156 (identifier or content teaser) displayed within the ticker display pane 142 can contain hyperlinks to link the user or the customer to the original sources or providers of the information or data or full content related to the data items or identifiers 150, 152, 154 where he can receive more detailed information or full content directly from a source or content provider upon clicking on a hyperlink within a content teaser or identifier or data item 150 to thereby visit the source or content provider's web site. For instance, source identifier 144 of fig. 3, identifying the source or the provider (ESPN) of the stream of data or data items 150, 152, 154 and 156, displays an image associated with the source of the data items currently displayed on the ticker display pane 142 and may also include a hyperlink, which upon activation by the user or customer causes the system to retrieve and display a document on a server computer **or host (web page)** corresponding to the hyperlink wherein the displayed information or full document may represent advertising information. The source identifier 144 may further be an HTML page, **displayed on a web page**, allowing the content provider to place advertisements and other information in a display space for the source identifier (See abstract; figs 3-4 and 7; col. 3: 20 to col. 4: 9; col. 8: 14 to col. 9: 8). Finally, the user or the customer can customize the ticker display pane 142 (dynamic component) using the option button 160 of fig. 3 that allows the user or customer to, for example, customize provided content or to select information sources; otherwise the system or the host or server system will control how the data

items or content teaser should be displayed in the ticker display pane 142 and select which information sources will provide the data items (host customizes dynamic component) (col. 9: 37-48; claim 6 of the current reference). It is herein understood that the user's computer is coupled to a web site (first web site), over a computer network or the Internet, where data items or content teasers or identifiers can be downloaded or retrieved in real-time from sources or content providers (content web sites) and displayed on the user's computer and wherein, upon clicking on a hyperlink embedded within a content teaser or identifier or data item, the user or customer can visit the source or content provider's web site (first content web site) to request or receive full content or full document, such as full sport news, associated with a content teaser or sport news headline from ESP network that was selected or activated by the user or customer.

USP 5,774,170 to Hite discloses a system wherein when a match is found between a locally stored CID and the CID (commercial ID) transmitted with the advertisement or commercial, the commercial or advertisement is then presented to the viewer. If there is no match, then the inserted commercial is ignored or discarded (**determining if a CID code or data element transmitted within an advertisement embedded in a data stream/broadcast is compatible to a local condition or locally stored CID code, representing the viewer's interest or preference, before temporarily storing the advertisement in the memory (cache memory) and displaying it during a triggering event or programming or data stream break**).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Robert Weinhardt, can be reached at (571)272- 6633.

Non-Official- 571-273-6719.

Official Draft: 571-273-8300

12/05/09

/J. J./

/Jean Janvier/
Primary Examiner, Art Unit 3688

